



## DEPARTMENT OF NATURAL RESOURCES

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December 1, 2003

Mr. David Geiser  
U.S. Department of Energy  
Office of Long Term Stewardship, EM-51  
1000 Independence Ave., SW  
Washington, D.C. 20585

RE: Draft Record of Decision (ROD) for Final Remedial Action for the Groundwater Operable Unit (GWOU) at the Chemical Plant Area of the Weldon Spring Site, September 2003

Dear Mr. Geiser:

The Missouri Department of Natural Resources received the Draft GWOU ROD on October 1, 2003, for review and comment. We remain appreciative of the opportunity to comment and participate in this review process. The department is eager to take a plan to the public that all state and federal agencies can fully support. However, this plan must provide a high level of confidence for the people that live, work, and recreate in the area. Unfortunately, the Department of Natural Resources cannot concur with this draft ROD or the proposed remedy as presented. Although the proposed remedial action of Monitored Natural Attenuation (MNA) with institutional controls and contingencies may be acceptable if proper trigger levels and monitoring locations are set, the remedy as defined in this draft ROD lacks these details. Below are issues our department must have resolved before or concurrent with a decision on this GWOU ROD.

### **Safe Groundwater Remedy**

The DOE has made the case in the past that due to the complex hydrological conditions, aggressive groundwater remediation is not practical at the Weldon Spring Chemical Plant site. The department also recognizes the complexity of the hydrogeologic conditions at this site. Therefore, if contaminated groundwater is left in place and we rely on MNA as a passive remedy for groundwater cleanup, trigger levels must be incorporated that give early indications of when the attenuation may not be progressing as expected. The Department of Energy (DOE), the Environmental Protection Agency (EPA), and the state could then re-evaluate the conditions before an unacceptable risk exists for the public. This same monitoring plan must provide the

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agencies and the public with data that confidently shows that the MNA remedy is actually effective and the contaminant plumes are diminishing in both size and concentration levels within reasonable time frames, or that it is not. Such a conservative plan includes careful and conservative placement of monitoring points to identify both horizontal and vertical movement of the contaminants as well as relatively discreet concentration triggers that are based on past trends or established standards. If the various plumes begin to increase in size, move in an unexpected rate, or increase rather than decrease in concentration, the responsible agencies will easily recognize that the attenuation is not progressing as expected, which allows them to look closer or re-evaluate the conditions as soon as possible before adjoining groundwater resources are impacted. The department can only support a ROD for this site that includes a conservatively outlined monitoring system framework. The details as presented are not sufficiently conservative, nor adequately protective of unaffected groundwater resources.

### **Binding Agreement**

The state should be an official partner in the future oversight and management of the site. The state has repeatedly requested to be part of a legal agreement that identifies an appropriate mechanism to resolve issues, should they arise in the future. The DOE assured the state early in the discussions for a safe groundwater remedy that a revised three-party Federal Facilities Agreement (FFA) would be signed concurrent with the groundwater ROD. With the schedule proposed in the draft ROD, that assurance has been denied. It appears that the only agreement that DOE will now consider is a document that will be prepared after all the remediation decisions at the site have been made, which denies the department the ability to negotiate the terms of a safe monitoring plan. The department and EPA have worked hard, and together have executed a draft of a model FFA that is an acceptable compromise to both agencies. It is our understanding that the DOE has essentially refused to even review this agreement.

### **Long Term Stewardship**

The DOE must consider and respect the long-term needs and wishes of their neighbors in St. Charles County. This good neighbor policy must apply to the Missouri Department of Conservation (MDC) as well as the general public who live, work, and recreate in the rapidly expanding St. Charles County area. Groundwater contamination has already impacted the aquifer beneath the Busch Memorial Conservation Area. Springs and lakes on MDC property, as well as the aquifer beneath this property, needs to be part of a comprehensive long-term stewardship plan that both advises, informs, and protects the public. In our specific comments we have noted several ways that DOE can improve their relationship with the adjoining property owners. DOE also currently has the opportunity to add another layer to their institutional controls by including the site on the state Registry. The department is willing to assist and work with DOE staff to expedite this process. A key component of future protectiveness includes the development and implementation of multi-layer institutional controls.

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I regret that this draft ROD is unacceptable as presented because the state of Missouri is eager to move forward with safe and effective remedial action for contaminated groundwater. However, we cannot accept a plan that fails to provide reasonable action and appropriate safeguards for the public. Further, I have grave concerns over DOE's position to exclude the state of Missouri in a legally binding agreement executed concurrent with this final ROD at Weldon Spring Chemical Plant site. This concept was agreed to by DOE, EPA, and the department, early in the discussion process. I have attached specific comments for your review and incorporation as you redraft the ROD. If you have any questions about the basis, meaning or intent of any of the comments, do not hesitate to call me at 573-368-2101, or you may contact Robert Geller at 573-751-3907, immediately. Written inquiries can be directed to me at P.O. Box 250, Rolla, MO 65401, or to Mr. Geller at the Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

GEOLOGICAL SURVEY AND RESOURCE ASSESSMENT DIVISION

A handwritten signature in black ink, appearing to read "Mimi R. Garstang". The signature is fluid and cursive, with a large, sweeping "G" at the end.

Mimi R. Garstang, RG  
Director and State Geologist  
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MG:led

c: Mr. Edward Galbraith, Director – Hazardous Waste Program  
Mr. James Gulliford, U.S. Environmental Protection Agency-Region VII  
Ms. Pam Thompson, WSSRAP Project Office  
Mr. Dan Wall, U.S. Environmental Protection Agency-Region VII  
Weldon Spring Citizens Commission

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bc: Mr. James D. Werner, Director – Air and Land Protection Division  
Mr. Robert Geller, Federal Facilities Section  
Mr. Ray Plienness – US DOE  
Ms. Kathy Love, Missouri Department of Conservation